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APR 27 2006

OFFICE OF PETITIONS

In re Application of
Yamagishi et al.
Application No. 09/605,733
Filed: June 28, 2000
Attorney Docket No. 09794353-0013

DECISION ON PETITION

This is a decision on the "Petition to Rescind Holding of Abandonment Pursuant to 37 CFR 1.181," filed December 20, 2005, and supplemented on March 2, 2006.

This application was held abandoned for failure to respond timely to the nonfinal Office action, mailed on November 12, 2003, which set a three-month shortened statutory period for reply. In the apparent absence of a timely filed response, the application was held abandoned on February 13, 2004. A Notice of Abandonment was mailed on June 10, 2004.

In the petition, petitioner asserted that the practitioner did not receive the nonfinal Office action because the USPTO did not enter the revocation and appointment of power of attorney and the change of correspondence address submitted on September 24, 2001. As a result of this error, the Office erroneously mailed the nonfinal Office action to an incorrect correspondence address.¹ Accordingly, petitioner requested that the Office withdraw the holding of abandonment, remail the nonfinal Office action, and restart the period for reply.

A review of the record indicates that petitioner filed an "Revocation and Power of Attorney," on September 24, 2001, which was signed by authorized persons to act on behalf of the assignee, and contained a revocation and appointment of power of attorney and a change of correspondence address. Unfortunately, the Office did not enter the "Revocation and Power of Attorney" of September 24,

¹ The record reveals that the nonfinal Office Action and the Notice of Abandonment were returned to the USPTO as undeliverable.

2001.² For this reason, the USPTO mailed the nonfinal Office action to an incorrect correspondence address.

In view of the above, the petition to withdraw the holding of abandonment is **granted**. The Notice of Abandonment was mailed in error and is hereby withdrawn. The application is restored to pending status. As the practitioner did not receive the original nonfinal Office Action of November 12, 2003, **Technology Center Art Unit 2177 shall re-mail the nonfinal Office Action and restart the period for response.**

This matter is being referred to Technology Center Art Unit 2177 for further action consistent with this decision.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
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Enclosures: Notice of Acceptance of Power of Attorney and a Notice Regarding Change of Power of Attorney

² The Office has entered the Revocation and Power of Attorney and changed the correspondence address of record. A Notice of Acceptance of Power of Attorney and a Notice Regarding Change of Power of Attorney are enclosed with this decision.